

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

----- X  
JOSEPH TUMINELLO,

Plaintiff(s),

-v-

AETNA LIFE INSURANCE COMPANY,

Defendant(s).  
----- X

13 Civ. 938 (KBF)

SCHEDULING ORDER

KATHERINE B. FORREST, District Judge:

The parties propose the following schedule for this matter:

1. All parties [~~do~~ / **do not**] consent to conducting all further proceedings before a United States Magistrate Judge, including motions and trial. 28 U.S.C. § 636(c). The parties are free to withhold consent without adverse substantive consequences.
2. Close of fact discovery: August 16, 2013. [**within 4 months**]
3. Close of expert discovery: Not Applicable. [**25 days after the close of fact discovery**]

The parties contemplate experts in this matter for the following subject(s): The parties do not anticipate retaining experts.

4. [**For F.L.S.A. actions only**] The plaintiff(s) [**do / do not**] anticipate making a motion for conditional class certification.

Not Applicable

Proposed briefing schedule:

Opening: \_\_\_\_\_

Opp'n: \_\_\_\_\_

Reply: \_\_\_\_\_

**[Opening brief filed no later than 30 days from the date of the initial pretrial conference; full briefing shall be completed within 30 days of the opening brief]**

5. The parties **[do/ do-not]** anticipate making dispositive motions. The contemplated dispositive motion(s) is/are a motion(s) for summary judgment.

Proposed briefing schedule:

Opening: September 10, 2013

Opp'n: October 8, 2013

Reply: October 29, 2013

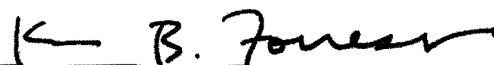
**[Opening brief filed no later than the close of expert discovery; full briefing shall be completed within 52 days of the opening brief]**

**DO NOT FILL IN BELOW - THE COURT WILL SET ITEMS 6-9**

6. The next status conference in this matter is set for \_\_\_\_\_ at \_\_\_\_\_. N.A.
7. All pretrial materials, including the Joint Pretrial Order ("JPTO"): \_\_\_\_\_.
8. The Final Pretrial Conference ("FPTC") in this matter is set for \_\_\_\_\_ at \_\_\_\_\_.
9. Trial in this matter shall commence on \_\_\_\_\_. Trial **[will / will not]** be before a jury. Trial is anticipated to take \_\_\_\_\_ **[days / weeks]**.

SO ORDERED:

Dated: New York, New York  
4/18, 2013



KATHERINE B. FORREST  
United States District Judge